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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,471	11/10/2003	Philip Zocco	G0718.70000US00	5730

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT PAPER NUMBER

3635

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/705,471	ZOCCO, PHILIP	
	Examiner	Art Unit	
	Chapman E. Jeanette	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6, 8, 10, 11, 13, 15-20 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8, 10, 11, 13, 15-20 and 22-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 depends on cancelled claim 9 and “the plastic material.....” has no antecedent bases in any of the previous claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-3,6, 23-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Brooke et al (3914118). Brooke et al discloses an ribbon 2 which may be used at as an insert for a door light; the insert comprising:

- A substantially planar top surface defining a plane; see figures 5-6
- A raised portion at least partially surrounded by the planar surface
- The raised portion includes at least two features 8 extending above the plane of the planar top
- The raised portion having a substantially uniform configuration

- The raised portion includes at least two raised concentric rings substantially centered on the insert
- The raised portion includes a bullseye configuration having at least two concentric rings
- The planar top surface of the insert has a thickness and the raised portion has a maximum height which is at least one quarter of the thickness; see figure 6 and column 3, lines 38-59
- There are at least two raised concentric rings including an inner and an outer ring. The maximum height of the inner ring is equal to the maximum height of the outer ring. See column 3, lines 8-59 of Brooke et al.
- There is at least one ring and an uninterrupted ring

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al (3914118) in view of Pascucci (1504970). It is assumed that the outer edge of the raised portion of Brooke et al includes at least one truncated side provided on a portion of the outer edge and interrupting at least an outer concentric ring. Pascucci discloses an optical system of glass including concentric rings and a raised portion; the device includes an outer edge near ref. No. 12 and two truncated sides provided on the

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outer edge and interrupting the outermost concentric ring 13; the truncated side is substantially perpendicular to the planar top near ref. No. 23. See figure 1 of Pascucci. The truncated sides are provided on opposite portions of the outer edge and are parallel to one another. It would have been obvious to one of ordinary skill in the art to include the truncated side on the outer edge and interrupting the outer most concentric ring as shown by Pascucci in order to present a transition from the outermost ring to the planar surface.

Brooke et al also discloses a planar bottom opposite the top surface, and defining a second plane, figure 6. However, Brook et al lacks the convex portion surrounded by the planar bottom and the convex portion recessed above the second plane of the bottom surface. Pascucci discloses a discloses a planar bottom near reference no 12, opposite the top surface, and defining a second plane, figure 23. Pacucci also shows the convex portion surrounded by the planar bottom and the convex portion recessed above the second plane of the bottom surface. The convex portion, reference no.s 13-21, having a substantially uniform configuration which conforms to the uniform configuration of the raised portion 11. In view of the above it would have been obvious to one having ordinary skill in the art to modify Brooke to include the convex and raised portion in order to optimize the amount of light passing through the insert or lens.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al in view of Fujisawa et al (6002464). Glazing is commonly constructed from PVC, polycarbonate, acrylic impact resistant or shatterproof plastics or conventional glass.

The choice of materials has been considered a matter of choice. Plastic materials are employed from their shatterproof and strength properties. Fujisawa discloses a corrugated glazing of acrylic. One of ordinary skill in the art would have appreciated using any well known material capable of aiding in the intended use, function and purpose of the insert. One of ordinary skill in the art would have appreciated using an acrylic for its light diffusing properties as shown by the above secondary reference.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al in view of Pascucci as applied to claim 4 and further in view of Fujisawa et al . The secondary references are applied in the same manner as described above.

Claims 11, 27-28, 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al in view of Kenny (4184480). Bullion glass is commonly used in windows and windows in doors. Most windows have frames in order to hold the glass to the intended structure. Kenny discloses a frame 28 for his corrugated glass. Further Kenny discloses a frame 28 having at least part of the frame abutting the outer edge of his insert 10 to center the insert in the frame. The frame forms a central opening for exposing the raised portion 20 of the insert 10. One of ordinary skill in the art would have appreciated the end use of the bullion glass of Brooke et al to be installed in a frame to establish its end use in a practical manner as shown by Kenny. The specific choice or use has been considered a matter of choice. One of ordinary skill in the art would have appreciated any suitable or unsuitable choice deemed to be at the discretion of the user.

Claims 13,15-17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al in view of Pascucci. See above rejections for the application of the teaching of the secondary references to the base reference. Brooke has been considered in the same manner as described above and the secondary references have been applied in the same manner as described above.

Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al in view of Pascucci as applied to claim 15 and further in view of Fujisawa et al (6002464). Brooke has been considered in the same manner as described above and the secondary references have been applied in the same manner as described above.

Claims 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al in view of Pascucci as applied to claim 15 and further in view of Dilouya (4823246). The grooves and peaks of Brooke et al are equal from the center to the outer edge ring. Dilouya discloses a light insert 20 with concentric rings having different zones with differently sized grooves/peaks. The projecting portion has a plurality of peaks, wherein a maximum height of the peaks is substantially centered on the outer edge and the height of peaks of the projecting portions decreasing at a constant rate in a radial direction from the maximum at the outer end to the least in the center. See zones 23-21 and figures 1 and 2 and the accompanying text. Dilouya also discloses that having the different zones changes the reflective properties. To give the light insert different reflective properties, it would have been obvious to one of ordinary skill in the art to having the projecting portion with a maximum height at the center and the height of the peaks decreasing at a constant rate in a radial direction from the maximum

height at the center to the minimum at the outer edge. It would have been obvious to one of ordinary skill in the art to modify the glass insert 2 of Brooke et al to not only include the convex portion but also the various zones with different peak sizes in order to enhance/improve the optical properties of the glass.

Claims 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al in view of Dilouya. See above application of the secondary reference. Dilouya has been applied in the same manner

Claims 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al in view of Kenny as applied to claim 27 and further in view of Fujisawa et al (6002464). The secondary references have been applied in the same manner as described above.

Claims 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al in view of Kenny as applied to claim 27 and further in view of Fujisawa et al (6002464). The secondary references have been applied in the same manner as described above.

Claims 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al in view of Kenny as applied to claim 27 and further in view of Pascucci. The secondary references have been applied in the same manner as described above.

Claims 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooke et al in view of Dilouya. The secondary references have been applied in the same manner as described above.


Jeanette Chapman
Primary Examiner